

GRANT DEED

THIS INDENTURE, Made and entered into this 18th day of April, 1969, by and between ANACONDA ALUMINUM COMPANY, a Montana corporation, GRANTOR, and THE CITY OF COLUMBIA FALLS, a municipal corporation of Montana, whose post office address is Drawer G, Columbia Falls, Montana, GRANTEE, WITNESSETH:

That the Grantor, in consideration of the sum of one dollar (\$1.00) to it in hand now paid by the Grantee, and other good and valuable considerations, does hereby grant and convey unto the said Grantee and to its successors and assigns, forever, the following described property, situate in the County of Flathead, State of Montana, to wit:

The surface only of a tract of land situated in Sections Twenty-seven (27) and Thirty-four (34), Township Thirty-one (31) North, Range Twenty (20) West, Principal Meridian, County of Flathead, State Of Montana, more particularly described as follows:

Beginning at the one-quarter section corner common to Sections 27 and 34, T. 31 N., R. 20 W., P.M.M. and running from said place of beginning in a northerly direction along the north-south center line of said Section 27 a distance of 100.0 feet; thence in a southeasterly direction to a point in the section line common to said Sections 27 and 34 at a distance of 200.0 feet easterly from said one-quarter section corner; thence in an easterly direction along said section line a distance of 300.0 feet; thence in a southerly direction at right angles to said section line a distance of 800.0 feet; thence in a westerly direction parallel to said section line a distance of 1850.0 feet; thence in a northerly direction at right angles to said section line a distance of 800.0 feet to a point in said section line; thence in an easterly direction along said section line a distance of 1350.0 feet to the place of beginning, containing an area of 34.20 acres, all as shown on Exhibit "A" attached hereto and hereby made a part hereof.

EXCEPTING AND RESERVING, however, from this conveyance all ores and minerals, including gas and oil and other hydrocarbon substances, beneath the surface of the above-described premises, or contained therein or thereon, with the right to mine for and extract the same.

Provided, however, that as a part of the consideration for this conveyance Grantee agrees to construct without cost to the Grantor a 12" diameter pipe take off from the water main pipe at or near the dam with a proper valve to be placed and locked so it is available to Anaconda Aluminum Company to be used for emergency purposes only. Water used will be charged at City of Columbia Falls industrial rate.

It is the understanding and intention of the parties hereto that this grant is made for the purpose of using the lands for the construction of a dam and ditches as shown on Exhibit "A" attached hereto and hereby made a part hereof; provided, however, that, if the land hereinabove described, or any part thereof, ceases to be used for said purposes, then the ownership, right, title and interest herein conveyed shall immediately revert to and revest in the Grantor, its successors and assigns, to the extent that such use may be abandoned or discontinued.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the tenements and appurtenances, unto the said Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its corporate name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

ANACONDA ALUMINUM COMPANY

By /s/ James F. Smith

Its Vice President

ATTEST:

/s/ B. E. Johnson

Its Assistant Secretary

STATE OF Kentucky,  
County of Jefferson. SS.

On this 18th day of April, in the year 1969, before me, the undersigned, a Notary Public for the State of Kentucky, personally appeared James F. Smith known to me to be the Vice President of ANACONDA ALUMINUM COMPANY, the corporation which executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

/s/ Anne G. Stengell

Notary Public for the State of Kentucky

My Commission expires August 1, 1972

Residing at Louisville, Kentucky